

REMARKS/ARGUMENTS

Applicant submits a further Declaration Under 37 C.F.R. 1.132 from the Applicant, James R. Kittrell. This declaration is submitted in direct response to the examiner's comment on Page 3 of his final rejection wherein he sets forth that the previously submitted declaration was "not commensurate with the scope of the claims, whose range is from about 0.1 to about 70 weight %" silica. The instant declaration submits further test data establishing the criticality for silica in its upper range. Accordingly, it is submitted that this declaration taken in combination with the previously filed declaration clearly establishes criticality for silica over the entire range claimed in the claims of the instant application.

Applicant is compelled to draw to the examiner's attention the Board of Appeal's decision previously rendered in the instant case. The Board of Appeals reversed the examiner's rejection under 35 U.S.C. 102. The Board of Appeals did agree with the examiner that the examiner had established a prima facie case of obviousness (see Page 7 of the Decision). It is respectfully submitted that Applicant by submission of the two declarations has clearly overcome the examiner's prima facie case of obviousness by clearly establishing critical compositional components and ranges for the catalyst of the present invention. In this regard it is respectfully submitted that in accordance with the decisions of the Federal Circuit and particularly in re Fulton there is nothing in the sum total teachings of the claim or reference to teach the desirability and the unexpected results obtained in accordance with the catalyst composition as presently claimed. It is submitted that Applicant has overcome the examiner's prima facie case of obviousness and that the rejection of the claims under 35 U.S.C.

103 based on the Kramer reference should be withdrawn particularly in light of the fact that the Kramer reference in over 47 columns of disclosure never specifically contemplates the combination of silica and titania or the beneficial results to be obtained therefrom.

The early issuance of a Notice of Allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

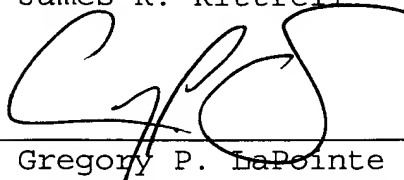
It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

James R. Kittrell

By



Gregory P. LaPointe
Attorney for Applicant
Reg. No. 28,395
Tel: (203) 777-6628
Fax: (203) 865-0297

Date: August 21, 2006

I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
"Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 21, 2006.

